

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMES MAY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	
BLUESTEM BRANDS, INC. d/b/a	)	
FINGERHUT,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

COMES NOW Defendant Bluestem Brands, Inc. d/b/a Fingerhut ("Bluestem"), by and through counsel, and gives notice that the case of *James May v. Bluestem Brands, Inc. d/b/a Fingerhut*, initiated in the Circuit Court of St. Charles County, Missouri on February 15, 2016, and assigned case number 1611-AC00938 has, on this 30th day of March, 2016, been removed to the United States District Court for the Eastern District of Missouri, Eastern Division. As grounds for removal, Bluestem states:

1. On February 15, 2016, James May initiated this case by filing a Petition in the Circuit Court of St. Charles County, Missouri in an action titled *James May v. Bluestem Brands, Inc. d/b/a Fingerhut*, and there designated as case number 1611-AC00938.
2. A copy of the Summons and Petition was served on Bluestem on February 29, 2016. *See* Exhibit A.
3. No further proceedings have been had in this action, nor have any other processes, pleadings or orders been served on Bluestem.

4. This notice of removal is filed within 30 days of service upon Bluestem of Plaintiff's Petition setting forth his claims for relief, and is thus timely filed under 28 U.S.C. § 1446(b).

5. Venue is proper in this Court under 28 U.S.C. §§ 105(a), 1441(a).

6. The Petition purports to allege a violation of the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 U.S.C. § 227 *et seq.*, a federal law. (Exh. A, Petition ¶ 1.)

7. Accordingly, this Court has original federal question jurisdiction over this case pursuant to 28 U.S.C. § 1331, and this case is properly removed pursuant to 28 U.S.C. § 1441(b).

8. The petition also purports to plead "Invasion of Privacy – Intrusion upon Seclusion." (Exh. A, Petition ¶ 2.)

9. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state law privacy claim because it is so related to Plaintiff's TCPA claim that it forms part of the same case or controversy under Article III of the United States Constitution.

10. Written notice of the filing of this Notice of Removal will be given to Plaintiff's counsel, as required by law.

11. A true and correct copy of this notice of removal will be filed with the Clerk for the Circuit Court of St. Charles County, as required by law.

WHEREFORE, Defendant Bluestem Brands, Inc. d/b/a Fingerhut, gives notice that the above action initiated in the Circuit Court of St. Charles County, is hereby removed to the United States District Court for the Eastern District of Missouri, Eastern Division.

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on March 30, 2016, the foregoing was filed electronically with the Clerk of the Court and will be served by U.S. Mail and by operation of the Court's electronic filing system upon the following:

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